

**H.B. 289** (Traeger) Relating to the authority of a municipality to surround, by annexation, an unincorporated area. (29-1) Washington "Nay" (30-0)

**H.B. 332** (Sarpalius) Relating to the terms of office and compensation of directors of the High Plains Underground Water Conservation District No. 1. (29-1) Washington "Nay" (30-0)

**H.B. 710** (Sims) Relating to the creation of the County Court at Law No. 2 of Midland County, and to the jurisdiction of, practice in, and other provisions relating to the County Court at Law of Midland County. (29-1) Washington "Nay" (30-0)

**H.B. 728** (Sharp) Relating to certain administrative procedures used by the State Board of Dental Examiners in considering complaints presented to the Board. (29-1) Washington "Nay" (30-0)

**H.B. 1207** (Sharp) Relating to the power of eminent domain of the Board of Regents of the University of Houston System. (29-1) Washington "Nay" (30-0)

#### **BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR**

Number	Senators Objecting
<b>S.B. 1138</b>	Henderson, Blake
<b>S.B. 1204</b>	Farabee, McFarland

#### **CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

#### **ADJOURNMENT**

On motion of Senator Mauzy, the Senate at 8:49 o'clock a.m. adjourned until 9:00 o'clock a.m. today.

#### **FIFTY-NINTH DAY (Thursday, April 25, 1985)**

The Senate met at 9:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Washington, Whitmire, Williams.

Absent-excused: Glasgow, Lyon, Uribe.

A quorum was announced present.

Senator John Leedom offered the invocation as follows:

As we gather today to deliberate the State's needs and opportunities, I would like to refer to Romans 9, Verse 27 where Paul admonishes that the Lord searches the hearts, knows what is in the mind and the spirit because He makes intercessions with the saints according to the will of God. And we know that all things work

together for the good of those that love God, to them who are called according to His purpose. Let us today keep in mind that we are about His work and His will. Bless this body in its deliberations. In Christ's name. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Edwards.

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Uribe was granted leave of absence for today on account of important business on motion of Senator Sarpalius.

#### REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 1154  
C.S.S.B. 1122  
C.S.S.B. 899

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

H.B. 1830  
H.B. 2381  
H.B. 1011  
H.B. 1105  
S.B. 1234 (Amended)  
S.B. 372  
S.B. 260  
C.S.H.B. 851

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

H.B. 1656  
H.B. 1093 (Amended)  
H.B. 1092 (Amended)  
H.B. 1091 (Amended)  
H.B. 1090 (Amended)  
H.B. 1089 (Amended)  
H.B. 1088 (Amended)  
H.B. 1087 (Amended)  
H.B. 1086 (Amended)  
H.B. 1085 (Amended)  
H.B. 1462 (Amended)  
H.B. 1560  
H.B. 1941 (Amended)  
H.B. 948  
S.B. 1144  
S.B. 1339  
S.B. 1185

C.S.S.B. 214  
C.S.S.B. 860  
C.S.S.B. 527  
C.S.S.B. 528

Senator Farabee submitted the following report for the Committee on State Affairs:

H.B. 353  
S.B. 1224  
S.B. 903  
S.B. 901  
C.S.S.B. 1034  
C.S.S.B. 824  
C.S.S.B. 877  
C.S.S.B. 1232

Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 746

#### HOUSE BILL AND RESOLUTION ON FIRST READING

The following bill and resolution received from the House were read the first time and referred to the Committee indicated:

H.C.R. 115, To Committee on Jurisprudence.  
H.B. 1593, To Committee on Finance.

#### CO-AUTHOR OF SENATE BILL 1095

On motion of Senator Edwards and by unanimous consent, Senator Brooks will be shown as Co-author of S.B. 1095.

#### GUEST PRESENTED

The President introduced his guest, Mr. Leonard Rauch, Member of the Board of Regents of University of Houston.

The Senate extended their welcome to Mr. Rauch.

#### SENATE RESOLUTION 340

Senator Sarpalius offered the following resolution:

S.R. 340, Recognizing accomplishments of David Graf, recently named 1985 Texas Pork All-American.

SARPALIUS  
FARABEE

The resolution was read and was adopted.

#### GUESTS PRESENTED

Senators Sarpalius and Farabee escorted Mr. Graf and his family to the President's rostrum.

The President presented an enrolled copy of S.R. 340 to Mr. Graf.

**SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Howard.

Senator Howard moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

**NOMINEES CONFIRMED**

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 27, Nays 0.

Absent: Harris.

Absent-excused: Glasgow, Lyon, Uribe.

Member, State Board of Insurance: DAVID H. THORNBERRY, Travis County.

Director, Office of State-Federal Relations: JOHN HANSON, Travis County.

Members, Texas State Board of Public Accountancy: JARMAN BASS, Dallas County; DWIGHT L. KINARD, Taylor County; ROWLAND D. (PAT) PATTILLO, McLennan County.

Member, Antiquities Committee: WILLIAM CLARK GRIGGS, Harris County.

Members, Board of Directors, Red River Authority: ALVIN L. BARNES, Wichita County; CHARLES MOOREHEAD, Hemphill County.

District Attorney, 64th Judicial District, Hale and Swisher counties: TERRY D. McEACHERN, Swisher County.

**COMMITTEE SUBSTITUTE****SENATE JOINT RESOLUTION 29 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.J.R. 29**, Proposing a constitutional amendment authorizing the legislature to provide by law for the creation, administration, operation, powers, duties, financing, and dissolution of indigent health care districts.

The resolution was read second time.

Senator Parker offered the following amendment to the resolution:

Amend **C.S.S.J.R. 29** as follows:

(1) On page 1, between lines 44 and 45, insert a new Subsection (d) to read as follows:

“(d) The legislature by law may determine the health care services an indigent health care district is required to provide, the requirements a resident must meet to qualify for services, and any other relevant provisions necessary to regulate the provision of health care to indigent individuals.”

(2) On page 1, lines 45-63, reletter Subsections (d)-(f) as Subsections (e)-(g).

The amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE JOINT RESOLUTION 29 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.J.R. 29 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent: Harris.

Absent-excused: Glasgow, Lyon, Uribe.

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Harris.

Absent-excused: Glasgow, Lyon, Uribe.

**GUESTS PRESENTED**

Senator Caperton was recognized and introduced the Capitol Physician for the Day, Dr. Del Barker Stigler of Caldwell.

The Senate welcomed Dr. and Mrs. Stigler and expressed their appreciation for his service.

**SENATE BILL 1335 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1335**, Relating to the creation, administration, powers, duties, operation, and financing of the Jefferson County Indigent Health Care District.

The bill was read second time and was passed to engrossment.

**SENATE BILL 1335 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1335** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon, Uribe.

The bill was read third time and was passed.

**SENATE BILL 1247 ON THIRD READING**

Senator Leedom moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**S.B. 1247**, Amending Section 55, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes) by adding a new subsection (e); relating to the provision of retail electric utility service in certain areas once or currently served by more than one electric retail public utility holding a certificate of public convenience and necessity.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Barrientos, Blake, Brown, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Parker, Parmer, Santiesteban, Truan, Washington, Whitmire, Williams.

Nays: Brooks, Caperton, Mauzy, Montford, Sarpalius, Sharp, Sims, Traeger.

Absent-excused: Glasgow, Lyon, Uribe.

(Senator Harris in Chair)

The bill was read third time and was finally passed by the following vote: Yeas 19, Nays 9.

Yeas: Barrientos, Blake, Brown, Edwards, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Parker, Parmer, Santiesteban, Truan, Washington, Whitmire, Williams.

Nays: Brooks, Caperton, Farabee, Mauzy, Montford, Sarpalius, Sharp, Sims, Traeger.

Absent-excused: Glasgow, Lyon, Uribe.

#### MESSAGE FROM THE HOUSE

House Chamber

April 25, 1985

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 17**, Relating to preparation and delivery of certain court documents and costs in civil suits.

**H.B. 231**, Relating to public notification of the revocation or suspension of a license to operate a child-care facility.

**H.B. 235**, Relating to the rights of crime victims and the effect of those rights on the sentencing and availability of bail and release to parole for defendants and to victim assistance coordinators and their duties.

**H.B. 346**, Relating to the registration, licensing, and regulation of a child-care facility, child-placing agency, or registered family home.

**H.B. 377**, Relating to retirees of the Judicial Retirement System of Texas who elect to be judicial officers.

**H.B. 488**, Relating to the regulation of advertising by dentists and to certain exceptions from the definition of dentistry.

**H.B. 553**, Relating to certain industrial training programs conducted by the Central Education Agency.

**H.B. 626**, Relating to offenses involving sexual conduct or sexual performance by a child, revising the definitions and elements of certain offenses, and creating an offense for the possession of certain material.

**H.B. 826**, Relating to the eligibility of certain defendants for participation in a restitution center program as an alternative to confinement in the Texas Department of Corrections.

**H.B. 1119**, An Act amending Chapter 24 of the Texas Property Code regarding eviction; and declaring an emergency.

**H.B. 1226**, Authorizing the Comptroller of Public Accounts to adopt a deferred compensation plan in accordance with the federal revenue act of 1978, Public Law No. 95-600, including the establishment of a trust to hold...

**H.B. 1256**, Relating to voluntary in-patient and to involuntary mental health services, to admission and transfer procedures, to rights of patients, and to certain general provisions of construction and procedure under the Texas...

**H.B. 1278**, Relating to the purchase of supplies, materials, equipment, or agricultural products by the State Purchasing and General Services Commission.

**H.B. 1957**, Relating to the definition of air conditioning maintenance work.

**H.B. 2077**, Relating to the registration of certain food manufacturers.

**H.B. 2236**, Relating to the establishment, powers, duties, administration, and financing and dissolution of subregional transportation authorities, and to the powers and duties of contiguous cities.

**H.B. 2325**, Relating to the appointment and assignment of bailiffs to family district courts of Harris County.

**H.B. 2331**, Relating to the office hours of voter registrars on uniform election dates.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 549**.

House Conference Committee on **S.B. 549**: Kubiak, Chairman; Whaley, Sam Johnson, Ron Lewis, Earley.

**H.B. 1697**, Relating to construction contracts for solid waste disposal projects of the Gulf Coast Waste Disposal Authority.

**H.B. 1330**, Relating to state and local regulation of outdoor signs.

**H.C.R. 159**, In memory of Michael F. West of Spring.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### HOUSE BILL 1218 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1218**, Relating to the construction, installation, and location of industrialized housing and buildings and modular homes; providing a penalty.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Floor Amendment No. 1

1. Amend SECTION 5 of H.B. 1218 by adding a new Sec. 9 to Article 5221f-1 to read as follows:

“Sec. 9. ADMINISTRATIVE SANCTIONS. The commissioner, after notice and hearing, may refuse to issue or may permanently revoke, or suspend for a definite period of time and for a specified geographic area or location, any certificate of registration if the commissioner finds that the applicant or registrant:

“(1) furnished false information on any application, report, or other document filed with the department; or

“(2) failed to pay any fee or to furnish or file any reports required by the department for the administration and enforcement of this article; or

“(3) engaged in any false, misleading, or deceptive acts or practices as those terms are set forth in and as those acts are declared unlawful by the provisions of Chapter 17, Subchapter E, Business and Commerce Code; or

“(4) violated any provision of this article or any rule, regulation, or administrative order made or issued by the department pursuant to this article or any decisions, actions, or interpretations of the council.”

2. Amend SECTION 5 of H.B. 1218 by adding a new Sec. 10 to Article 5221f-1 to read as follows:

“Sec. 10. EFFECTIVE DATE. This article is effective September 1, 1985. However, modular homes shall continue to be regulated pursuant to Article 5221f (Vernon's Texas Civil Statutes) until January 1, 1986.”

3. Amend SECTION 8 of H.B. 1218 to read as follows:

“SECTION 8. SECTIONS 2, 3, and 4 of this Act are effective January 1, 1986; all other provisions take effect September 1, 1985.”

The amendment was read and was adopted.

Senator Caperton offered the following amendment to the bill:

Floor Amendment No. 2

Amend the Committee Printing of H.B. 1218 on page 1 line 52 by deleting the phrase “two stories or 35 feet in height” and substituting therefor the phrase “three stories or 49 feet in height”.

Amend the Committee Printing of H.B. 1218 on page 1 line 69 by deleting the phrase “two stories or 35 feet in height” and substituting therefor the phrase “three stories or 49 feet in height”.

The amendment was read and was adopted.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**RECORD OF VOTES**

Senators Farabee and Montford asked to be recorded as voting “Nay” on the passage of the bill to third reading.

**HOUSE BILL 1218 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 1218 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Harris, Henderson, Jones, Kothmann, Krier, Leedom, McFarland, Mauzy, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Whitmire, Williams.

Nays: Farabee, Montford, Washington.

Absent: Howard, Parker.

Absent-excused: Glasgow, Lyon, Uribe.

The bill was read third time and was passed.

**RECORD OF VOTES**

Senators Farabee and Montford asked to be recorded as voting "Nay" on the final passage of the bill.

**HOUSE BILL ON FIRST READING**

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 1256, To Committee on Health and Human Resources.

**COMMITTEE SUBSTITUTE SENATE BILL 1364 ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1364, Relating to the designation of certain areas as reinvestment zones for purposes of property tax abatement.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1364 ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1364 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1, Present-not voting 1.

Nays: Washington.

Present-not voting: Sharp.

Absent-excused: Glasgow, Lyon, Uribe.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0, Present-not voting 1.

Present-not voting: Sharp.

Absent-excused: Glasgow, Lyon, Uribe.

**SENATE BILL 1093 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1093**, Relating to membership, retirement, revocation of retirement, and employment after retirement under the Teacher Retirement System of Texas.

The bill was read second time and was passed to engrossment.

**SENATE BILL 1093 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1093** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon, Uribe.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Glasgow, Lyon, Uribe.

**COMMITTEE SUBSTITUTE SENATE BILL 1175 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1175**, Relating to procedures to establish and enforce payment of child support, possession of and access to a child, and providing for recognition and enforcement of orders from sister states.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1175 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1175** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon, Uribe.

The bill was read third time and was passed.

**SENATE BILL 1301 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1301**, Relating to the conveyance of certain state-owned real property in Travis County by the Texas Employment Commission.

The bill was read second time and was passed to engrossment.

**SENATE BILL 1301 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1301 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon, Uribe.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Glasgow, Lyon, Uribe.

**SENATE BILL 1054 ON SECOND READING**

On motion of Senator Sharp and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1054**, Relating to the regulation of real estate inspectors; providing a penalty.

The bill was read second time.

Senator Sharp offered the following committee amendment to the bill:

Amend **S.B. 1054** as follows:

(1) Strike lines 11 through 14 on page 1 of the bill in their entirety and substitute in lieu thereof the following:

"Real Estate Inspector" means a person or persons who hold themselves out to the public as being trained and qualified to inspect improvements to real property, including structural items and/or equipment and systems, and who accept employment for the purpose of performing such an inspection for a buyer or seller of real property.

(2) Insert the following words on line 10 of page 2 of the bill after the word "state":  
for a buyer or seller of real property

The committee amendment was read and was adopted.

On motion of Senator Sharp and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**SENATE BILL 1054 ON THIRD READING**

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1054** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Whitmire, Williams.

Nays: Montford, Washington.

Absent-excused: Glasgow, Lyon, Uribe.

The bill was read third time and was passed.

#### **RECORD OF VOTE**

Senator Montford asked to be recorded as voting "Nay" on the final passage of the bill.

#### **SENATE BILL 798 ON SECOND READING**

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 798**, Relating to allowing interest on taxable court costs and compounding of interest annually.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 798 ON THIRD READING**

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 798** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Nays: Washington.

Absent: Howard, Whitmire.

Absent-excused: Glasgow, Lyon, Uribe.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0.

Absent: Howard, Whitmire.

Absent-excused: Glasgow, Lyon, Uribe.

#### **COMMITTEE SUBSTITUTE SENATE BILL 391 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 391**, Relating to presumptions applicable to the offense of evading arrest and to the penalties imposed on conviction of the offense.

The bill was read second time and was passed to engrossment.

(Senator Jones in Chair)

#### **COMMITTEE SUBSTITUTE SENATE BILL 391 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 391** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent: Whitmire.

Absent-excused: Glasgow, Lyon, Uribe.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE BILL 99 ON SECOND READING**

Senator Montford asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 99**, Relating to capital murder when the murder of a child is involved.

There was objection.

Senator Montford then moved to suspend the regular order of business and take up **C.S.S.B. 99** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Whitmire, Williams.

Nays: Mauzy, Washington.

Absent-excused: Glasgow, Lyon, Uribe.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTES**

Senators Mauzy and Washington asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 99 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 99** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Whitmire, Williams.

Nays: Mauzy, Washington.

Absent-excused: Glasgow, Lyon, Uribe.

The bill was read third time and was passed.

**RECORD OF VOTES**

Senators Mauzy and Washington asked to be recorded as voting "Nay" on the final passage of the bill.

(President in Chair)

**SENATE BILL 980 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 980**, Relating to regulation of transportation of and commerce in fish and other edible marine products; providing penalties.

The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S.B. 980, Section 9, Subsection (c) in the following manner:

On page 7, line 13, insert the phrase "other than a licensed dealer" between the word "person" and the word "may".

The committee amendment was read and was adopted.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 1

Amend S.B. 980, page 1, line 11, by striking therefrom the words "that is in this state" and inserting in lieu thereof "from any person in this state."

Amend S.B. 980, page 1, lines 20 and 21, by striking therefrom the words "that is in this state" and substituting in lieu thereof the words, "from any person or entity in this state."

Amend S.B. 980, page 2, line 7, by striking therefrom the words "that is in this state" and substituting in lieu thereof the words, "from any person or entity in this state."

Amend S.B. 980, page 4, line 3, by striking the identification "(j)" and substituting in lieu thereof the identification "(k)".

Amend S.B. 980, page 6, at line 23, by inserting as subsection (k) a provision reading:

"(k) No provision in this section shall be construed to require the provision of bills of lading, invoices, tags, or labels to the ultimate consumer upon final retail sales."

The amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### SENATE BILL 980 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 980 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon, Uribe.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Glasgow, Lyon, Uribe.

#### SENATE BILL 609 ON SECOND READING

Senator Santiesteban moved to suspend the regular order of business to take up for consideration at this time:

S.B. 609, Relating to regulating the taking, possession, purchase, and sale of oysters and shrimp, to research programs concerning oysters and shrimp, and to fees for certain shrimp licenses; providing penalties.

The motion prevailed by the following vote: Yeas 21, Nays 7.

Yeas: Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Whitmire.

Nays: Brooks, Mauzy, Parker, Sharp, Truan, Washington, Williams.

Absent-excused: Glasgow, Lyon, Uribe.

The bill was read second time.

(Senator McFarland in Chair)

Senator Santiesteban offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S.B. 609 as follows:

(1) On page 2, between line 3 and 4, insert:

"(6) measures which will enhance enforcement."

(2) On page 2, line 7, after "of taking oysters." add "However measures dealing with sale and purchase may only be implemented at first sale or exchange transaction."

(3) On page 5, between lines 12 and 13 insert:

"(6) measures which will enhance enforcement."

(4) On page 5, line 16 after "of catching shrimp." add "However measures dealing with sale and purchase may only be implemented at first sale or exchange transaction."

The committee amendment was read.

Senator Truan offered the following amendment to Committee Amendment No. 1:

Floor Amendment No. 1

Amend proposed S.B. 609 as follows:

(1) Delete SECTION 1 in its entirety, page 1, line 41 through page 2 line 70, and replace it with the following:

SECTION 1. Chapter 76, Parks and Wildlife Code, is amended by adding Subchapter E, to read as follows:

SUBCHAPTER E. REGULATION, POLICY AND MANAGEMENT OBJECTIVES FOR OYSTERS AND OTHER MOLLUSCAN SHELLFISH RESOURCES

Section 76.301. REGULATION OF TAKING, POSSESSION, PURCHASE AND SALE OF OYSTERS AND OTHER MOLLUSCAN SHELLFISH RESOURCES

(a) Definitions

(1) "Maximum Sustained Yield" (MSY) is the maximum harvest a fishery can withstand without affecting the long-term reproductive potential of the population.

(2) "Molluscan shellfish resources" are the populations of oysters, clams, scallops, and mussels in tidal waters of the state.

(3) "Optimum Sustained Yield" (OSY) is the biological concept of maximum sustained yield (MSY) modified to account for non-biological factors

such as economic and sociologic issues involving the markets, user groups, and other human factors relating to the fisheries, and which are necessary considerations consistent with the management objectives set forth in Section 76.302 (d) of this code.

(b) The commission by proclamation may regulate the taking, possession, purchase and sale of oysters and other molluscan shellfish resources.

(c) In determining the need for a proclamation under Section 76.301 (b), the commission shall consider the state policy and management objectives provided under Section 76.302 of this code.

(d) A proclamation issued under Subsection 76.301 (b) of this code may limit the quantity and size of oysters that may be taken, possessed, sold, or purchased and may prescribe the times, places, conditions, and means and manner of taking oysters, consistent with the policy and management objectives provided under Section 76.302 of this code.

(e) A proclamation of the commission under this section prevails over:

(1) any conflicting provision of Subchapter A, B, or C of this chapter to the extent of the conflict; and

(2) a proclamation of the commission issued under the Wildlife Conservation Act of 1983 (Chapter 61 of this code).

(f) A proclamation of the commission under this section does not prevail over any order, rule, or regulation adopted by the Commissioner of Health under Subchapter D of this chapter.

(g) A person who violates a proclamation issued under Section 76.301 (b) commits an offense and shall be punished by a fine of not less than \$25 nor more than \$200.

Section 76.302. State Policy and Management Objectives for Oysters and Other Molluscan Shellfish Resources.

(a) It is the policy of the state of Texas that its oysters and other molluscan shellfish resources are renewable resources, and under the proper management are capable of perpetuation for all the foreseeable future, and it is the responsibility of the Texas Parks and Wildlife Commission and the department to assure realization of the great economic, recreational, nutritional, ecological and aesthetic values of these resources, to the fullest extent achievable and on a continuing basis, in perpetuity for Texas and all user groups.

(b) The department shall conduct research, monitoring, analyses, and other activities, both independently and in cooperation with the State Commissioner of Health and other offices, as appropriate, to assure that policy specified in Section 76.302 (a) is realized.

(c) The department may develop further management programs and regulations in cooperation with other agencies, industry representatives, and other interested parties and on approval of the Commission in public hearing, implement such management programs, including regulations, to facilitate realization of policy stated in Section 76.302 (a) of this code. Such management measures and regulations shall be in accord with management objectives in Section 76.302 (d) of this code.

(d) Oyster and other molluscan shellfish fisheries shall be managed in accord with approved plans based on the following objectives. Oyster and other molluscan shellfish resources shall be managed to:

(1) provide an optimum sustained yield (OSY) from the fishery;

(2) protect from overuse, waste, and destruction—both from man-made causes and from natural causes;

(3) promote a viable, stable, and competitive domestic fishing industry and related support industries, thereby realizing greater employment potential within the state;

(4) promote efficiency in harvest and utilization practices, thereby realizing greater economic value from the fishery within the state;

(5) promote consumer safety and public health in harvest and utilization practices, thereby realizing greater health and nutritional value from the fishery;

(6) avoid discrimination among and reduce conflicts between various fishermen groups and other user groups;

(7) promote the restoration and expansion of suitable habitat, such as oyster bottoms (reefs and beds) by making use of the private leasing and transplanting programs and other suitable incentives;

(8) promote the development of unutilized and underutilized species where practicable, thereby diverting pressures on traditional resources in the event rebuilding of any overutilized stocks may be necessary;

(9) minimize costs and avoid unnecessary duplication and/or contradiction of efforts in research, monitoring, enforcement, administration and other necessary functions;

(10) accommodate biological, geographic, environmental, temporal and other variations in stocks, catches and fisheries—such as growth rates, attainable sizes, natural predation or diseases, markets, product marketability, and other such factors—in making management plans.

(2) In SECTION 3, page 3, line 33, following Subsection 77.007 (f), Parks and Wildlife Code, add a new Subsection 77.007 (g) to read as follows:

(g) The commission shall make no proclamation under this chapter until it has approved and adopted a Shrimp Management Plan and Economic Impact Analysis prepared by the Department as provided in Section 77.008 of this code and unless such proclamation is shown to be consistent with the Shrimp Management Plan.

(3) In SECTION 3, page 3, line 33 and following (2) above, add a new Section 77.008, to read as follows:

Section 77.008. Shrimp Management Plan, Policy and Management Objectives

(a) The commission shall direct the department to prepare a Shrimp Management Plan consistent with the state policy on the commercial shrimp fishery as set forth in Subsection (c) of this Section and the management objectives set forth in Subsection (d) of this Section. The commission shall also direct the department to prepare an Analysis of the Economic Impact of the Shrimp Management Plan which addresses the impact of the plan on each sector of the industry.

(b) The commission shall adopt administrative procedures for development of the Shrimp Management Plan and Analysis of the Economic Impact. Such rules shall include provisions for holding public hearings; publication of department data, results of research, and other data utilized in the plan preparation; selection of an industry advisory group representing the different geographic and economic sectors of the fishery; selection of technical advisory groups; receipt and utilization of input from the advisory groups and from public hearings; verification of department data and statistical findings by independent and objective experts; documentation and acknowledgment of minority opinions from department staff and advisory groups; publication and availability of draft and final versions and modifications to the Shrimp Management Plan; and other measures as the Commission may consider necessary. Copies of these rules shall be made readily available to interested persons.

(c) It is the policy of the state of Texas that the shrimp fishery is of great economic, recreational, nutritional and ecological value and that this fishery is a renewable resource and is capable of perpetuation for all the foreseeable future

and that this fishery shall be managed to assure realization of each of these values, to the fullest extent achievable and on a continuing basis, for all groups using the resource.

(d) The shrimp fishery shall be managed in accord with the policy set forth in Subsection (c) of this section and to attain the following objectives:

(1) The shrimp fishery shall be managed to provide an optimum sustained yield (OSY). [OSY is the biological concept of maximum sustained yield (MSY) modified to account for non-biological factors such as economic and sociologic issues relating to the fisheries. MSY is the maximum harvest which may be sustained without adversely affecting the long-term reproductive potential of the population.]

(2) The shrimp fishery shall be protected from waste, destruction, encroachment and overuse.

(3) The shrimp fishery shall be managed to promote a stable and competitive, and diverse domestic commercial shrimp industry.

(4) The shrimp fishery shall be managed to promote efficiency in harvest and utilization practices.

(5) The shrimp fishery shall be managed to promote consumer health and safety in harvest and utilization practices.

(6) The shrimp fishery shall be managed to avoid discrimination and to reduce social and economic conflicts between various groups using the resource.

(7) The shrimp fishery shall be managed to promote the restoration and expansion of suitable habitat in nursery areas (such as oyster bottoms, submergent vegetation, etc.).

(8) The shrimp fishery shall be managed to control and improve utilization of by-catch and thereby promote the development of unutilized and underutilized species where practicable.

(9) The shrimp fishery shall be managed to minimize costs and to avoid unnecessary duplication in management, reporting and enforcement practices.

(10) The shrimp fishery shall be managed to allow for biological and other variations in stocks, catches and fisheries.

The amendment to the committee amendment was read.

On motion of Senator Santiesteban, the amendment was tabled by the following vote: Yeas 17, Nays 11.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, McFarland, Montford, Santiesteban, Sarpalius, Sims, Whitmire.

Nays: Barrientos, Brooks, Leedom, Mauzy, Parker, Parmer, Sharp, Traeger, Truan, Washington, Williams.

Absent-excused: Glasgow, Lyon, Uribe.

Question recurring on the adoption of Committee Amendment No. 1, Committee Amendment No. 1 was adopted.

Senator Santiesteban offered the following committee amendment to the bill: Committee Amendment No. 2

Amend S.B. 609 as follows:

(1) on page 4, line 15, strike subsection (c).

(2) on page 6, line 16, strike "SECTION 8."

(3) on page 8, line 6, strike "9" and substitute "8".

(4) on page 8, line 11, strike "10" and substitute "9".

The committee amendment was read and was adopted.

Senator Santiesteban offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend S.B. 609 as follows:

(1) on page 6, line 3, after "\$80" add "or an amount set by the Commission, whichever amount is more."

(2) on page 6, line 7, after "\$80" add "or an amount set by the Commission, whichever amount is more."

(3) on page 6, line 11, after "\$100" add "or an amount set by the Commission, whichever amount is more."

(4) on page 6, line 15, after "\$15" add "or an amount set by the Commission, whichever amount is more."

The committee amendment was read and was adopted.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 2

Amend proposed S.B. 609 as follows:

(1) In SECTION 3, page 3, line 33, following Subsection 77.007 (f), Parks and Wildlife Code, add a new Subsection 77.007 (g) to read as follows:

(g) The commission shall make no proclamation under this chapter until it has approved and adopted a Shrimp Management Plan and Economic Impact Analysis prepared by the Department as provided in Section 77.008 of this code and unless such proclamation is shown to be consistent with the Shrimp Management Plan.

(2) In SECTION 3, page 3, line 33, following Section 77.007, add a new Section 77.008, to read as follows:

Section 77.008. Shrimp Management Plan, Policy and Management Objectives

(a) The commission shall direct the department to prepare a Shrimp Management Plan consistent with the state policy on the commercial shrimp fishery as set forth in Subsection (c) of this Section and the management objectives set forth in Subsection (d) of this Section. The commission shall also direct the department to prepare an Analysis of the Economic Impact of the Shrimp Management Plan which addresses the impact of the plan on each sector of the industry.

(b) The commission shall adopt administrative procedures for development of the Shrimp Management Plan and Analysis of the Economic Impact. Such rules shall include provisions for holding public hearings; publication of department data, results of research, and other data utilized in the plan preparation; selection of an industry advisory group representing the different geographic and economic sectors of the fishery; selection of technical advisory groups; receipt and utilization of input from the advisory groups and from public hearings; verification of department data and statistical findings by independent and objective experts; documentation and acknowledgment of minority opinions from department staff and advisory groups; publication and availability of draft and final versions and modifications to the

Shrimp Management Plan; and other measures as the Commission may consider necessary. Copies of these rules shall be made readily available to interested persons.

(c) It is the policy of the state of Texas that the shrimp fishery is of great economic, recreational, nutritional and ecological value and that this fishery is a renewable resource and is capable of perpetuation for all the foreseeable future and that this fishery shall be managed to assure realization of each of these values, to the fullest extent achievable and on a continuing basis, for all groups using the resource.

(d) The shrimp fishery shall be managed in accord with the policy set forth in Subsection (c) of this section and to attain the following objectives:

(1) The shrimp fishery shall be managed to provide an optimum sustained yield (OSY). [OSY is the biological concept of maximum sustained yield (MSY) modified to account for non-biological factors such as economic and sociologic issues relating to the fisheries. MSY is the maximum harvest which may be sustained without adversely affecting the long-term reproductive potential of the population.]

(2) The shrimp fishery shall be protected from waste, destruction, encroachment and overuse.

(3) The shrimp fishery shall be managed to promote a stable and competitive, and diverse domestic commercial shrimp industry.

(4) The shrimp fishery shall be managed to promote efficiency in harvest and utilization practices.

(5) The shrimp fishery shall be managed to promote consumer health and safety in harvest and utilization practices.

(6) The shrimp fishery shall be managed to avoid discrimination and to reduce social and economic conflicts between various groups using the resource.

(7) The shrimp fishery shall be managed to promote the restoration and expansion of suitable habitat in nursery areas (such as oyster bottoms, submergent vegetation, etc.).

(8) The shrimp fishery shall be managed to control and improve utilization of by-catch and thereby promote the development of unutilized and underutilized species where practicable.

(9) The shrimp fishery shall be managed to minimize costs and to avoid unnecessary duplication in management, reporting and enforcement practices.

(10) The shrimp fishery shall be managed to allow for biological and other variations in stocks, catches and fisheries.

The amendment was read.

On motion of Senator Santiesteban, the amendment was tabled by the following vote: Yeas 17, Nays 11.

Yeas: Blake, Brown, Caperton, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, McFarland, Montford, Santiesteban, Sarpalius, Sims, Traeger, Whitmire.

Nays: Barrientos, Brooks, Edwards, Leedom, Mauzy, Parker, Parmer, Sharp, Truan, Washington, Williams.

Absent-excused: Glasgow, Lyon, Uribe.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 3

Amend proposed S.B. 609 as follows:

In SECTION 3, page 3, line 33, add subsection (f), Section 77.007, Parks and Wildlife Code, to read as follows:

(f) The Commission shall make no proclamation under this Chapter placing further restrictions on legal gear for the taking and possession of shrimp except by adopting such proclamation and posting notice thereof in the Texas Register at least one year in advance of the effective date of the proclamation or one full season in advance of the effective date if legal use of the affected gear type is confined to that season only.

The amendment was read.

On motion of Senator Santiesteban, the amendment was tabled by the following vote: Yeas 17, Nays 11.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, McFarland, Montford, Santiesteban, Sarpalius, Sims, Traeger, Whitmire.

Nays: Barrientos, Brooks, Krier, Leedom, Mauzy, Parker, Parmer, Sharp, Truan, Washington, Williams.

Absent-excused: Glasgow, Lyon, Uribe.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 4

Amend proposed S.B. 609 as follows:

(1) In SECTION 1, on page 1, line 58, through line 59, pertaining to Chapter 76, Parks and Wildlife Code, Subchapter E, Section 76.301, Subsection (b), Part (4); Delete the phrase: "...except that economic allocation may not be the sole purpose of the measures;...".

(2) In SECTION 3, on page 3 lines 16 and 17, pertaining to Chapter 77, Parks and Wildlife Code, Subchapter E, Section 77.007, Subsection (b), Part (4); Delete the phrase: "...except that economic allocation may not be the sole purpose of the measures;...".

The amendment was read.

On motion of Senator Santiesteban, the amendment was tabled by the following vote: Yeas 18, Nays 10.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, McFarland, Montford, Santiesteban, Sarpalius, Sims, Traeger, Whitmire.

Nays: Barrientos, Brooks, Leedom, Mauzy, Parker, Parmer, Sharp, Truan, Washington, Williams.

Absent-excused: Glasgow, Lyon, Uribe.

Question - Shall the bill as amended be passed to engrossment?

#### HOUSE BILL 871 REREFERRED

On motion of Senator Harris and by unanimous consent, H.B. 871 was withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Economic Development.

## MESSAGE FROM THE HOUSE

House Chamber  
April 25, 1985

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 80**, Granting John A. Kozakis permission to sue the state of Texas.

**S.C.R. 81**, Granting Stephen E. Avery permission to sue the state of Texas.

The House has concurred in Senate amendments to **H.B. 1218** by a non-record vote.

**S.B. 371**, Relating to funding for child abuse and neglect prevention programs, to certain fees, and to the establishment of the Council on Child Abuse and Neglect Prevention. (With amendment)

**S.B. 392**, Relating to criminal complaints for certain traffic offenses.

**S.B. 442**, Relating to the powers and duties of the State Treasurer in the administration of the cigarette tax.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

## BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

**H.B. 4**

**H.B. 275**

**H.B. 934**

**H.B. 620**

**H.B. 1229**

## SENATE BILL 609 ON SECOND READING

The Senate resumed consideration of **S.B. 609** on its second reading and passage to engrossment.

Question - Shall the bill as amended be passed to engrossment?

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 5

Amend proposed **S.B. 609** as follows:

(1) On page 2, lines 18 through 20, revise Subsection 76.302 (a), Part (1), pertaining to the Oyster Research Program, to read as follows:

(1) the supply, economic value, environment, and reproductive characteristics [breeding habits] of the various economically important species of oysters.

(2) On page 2, lines 45 through 47, revise Subsection 77.004 (a), Part (1), pertaining to the Shrimp Research Program, to read as follows:

(1) the supply, economic value, environment, and [breeding habits] reproductive characteristics of the various economically important species of shrimp;

The amendment was read and was adopted.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 6

Amend proposed S.B. 609 as follows:

SECTION 1. Chapter 76, Section 76.301, Parks and Wildlife Code, is amended by adding a new Subsection to read as follows:

Section 76.301. REGULATION OF TAKING, POSSESSION, AND SALE OF OYSTERS.

( ) A proclamation of the commission under Subchapter E of this code does not apply in the waters of San Patricio, Willacy, Kenedy, Kleberg, and Nueces Counties, and all regulations under Subchapter A, B, C, and D of this code continue in effect in San Patricio, Willacy, Kenedy, Kleberg, and Nueces Counties.

SECTION 2. Chapter 77, Section 77.007, Parks and Wildlife Code, is amended by adding a new Subsection to read as follows:

Section 77.007. REGULATION OF CATCHING, POSSESSION, AND SALE OF SHRIMP.

( ) A proclamation of the commission under Section 77.007 of this code does not apply in the waters of San Patricio, Willacy, Kenedy, Kleberg, and Nueces Counties, and all other regulations under Chapter 77 of this code continue in effect in San Patricio, Willacy, Kenedy, Kleberg, and Nueces Counties.

The amendment was read.

On motion of Senator Santiesteban, the amendment was tabled by the following vote: Yeas 17, Nays 11.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, McFarland, Santiesteban, Sarpalius, Sims, Traeger, Whitmire.

Nays: Barrientos, Brooks, Leedom, Mauzy, Montford, Parker, Parmer, Sharp, Truan, Washington, Williams.

Absent-excused: Glasgow, Lyon, Uribe.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 7

Amend proposed S.B. 609 as follows:

SECTION 1. Chapter 76, Section 76.301, Parks and Wildlife Code, is amended by adding a new Subsection to read as follows:

Section 76.301. REGULATION OF TAKING, POSSESSION, AND SALE OF OYSTERS.

( ) A proclamation of the commission under Subchapter E of this code does not apply in the waters of Galveston County and all regulations under Subchapter A, B, C, and D of this code continue in effect in Galveston County.

SECTION 2. Chapter 77, Section 77.007, Parks and Wildlife Code, is amended by adding a new Subsection to read as follows:

Section 77.007. REGULATION OF CATCHING, POSSESSION, AND SALE OF SHRIMP.

( ) A proclamation of the commission under Section 77.007 of this code does

not apply in the waters of Galveston County and all other regulations under Chapter 77 of this code continue in effect in Galveston County.

PARKER  
BROOKS

The amendment was read.

On motion of Senator Santiesteban, the amendment was tabled by the following vote: Yeas 18, Nays 10.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, McFarland, Montford, Santiesteban, Sarpalius, Sims, Traeger, Whitmire.

Nays: Barrientos, Brooks, Leedom, Mauzy, Parker, Parmer, Sharp, Truan, Washington, Williams.

Absent-excused: Glasgow, Lyon, Uribe.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 8

Amend proposed S.B. 609 as follows:

SECTION 1. Chapter 76, Section 76.301, Parks and Wildlife Code, is amended by adding a new Subsection to read as follows:

Section 76.301. REGULATION OF TAKING, POSSESSION, AND SALE OF OYSTERS.

( ) A proclamation of the commission under Subchapter E of this code does not apply in the waters of Chambers County and all regulations under Subchapter A, B, C, and D of this code continue in effect in Chambers County.

SECTION 2. Chapter 77, section 77.007, Parks and Wildlife Code, is amended by adding a new Subsection to read as follows:

Section 77.007. REGULATION OF CATCHING, POSSESSION, AND SALE OF SHRIMP.

( ) A proclamation of the commission under Section 77.007 of this code does not apply in the waters of Chambers County and all other regulations under Chapter 77 of this code continue in effect in Chambers County.

PARKER  
BROOKS

The amendment was read.

On motion of Senator Santiesteban, the amendment was tabled by the following vote: Yeas 18, Nays 10.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, McFarland, Montford, Santiesteban, Sarpalius, Sims, Traeger, Whitmire.

Nays: Barrientos, Brooks, Leedom, Mauzy, Parker, Parmer, Sharp, Truan, Washington, Williams.

Absent-excused: Glasgow, Lyon, Uribe.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 9

Amend S.B. 609 as follows:

(1) Add Subsection (g) to Sec. 76.301 on page 2 to read as follows:

"(g) This section expires September 1, 1987."

(2) Add Subsection (f) to Sec. 77.007 on page 3 to read as follows:

"(f) This section expires September 1, 1987."

PARKER  
BROOKS

The amendment was read.

Question - Shall the amendment be adopted?

#### MEMORIAL RESOLUTION

S.R. 342 - By Farabee: Memorial resolution for John Nelson McGaughey.

#### CONGRATULATORY RESOLUTIONS

S.R. 338 - By McFarland: Extending congratulations to Mrs. Pat May.

S.R. 339 - By Truan: Honoring John James Audubon on 200th anniversary of his birth.

S.R. 341 - By Farabee: Extending congratulations to Arthur Prince.

#### RECESS

On motion of Senator Santiesteban, the Senate at 12:31 o'clock p.m. took recess until 9:00 o'clock a.m. Monday, April 29, 1985.

#### APPENDIX

Signed by Governor  
(April 23, 1985)

H.B. 8 (Effective September 1, 1985)

H.C.R. 139

H.C.R. 144

H.C.R. 147

H.C.R. 148

H.C.R. 149

H.C.R. 150

H.C.R. 152

H.C.R. 154

H.C.R. 158

H.C.R. 164

S.C.R. 61

S.C.R. 106

S.C.R. 107

S.C.R. 116

Sent to Governor  
(April 24, 1985)

S.C.R. 119

S.B. 68

S.B. 309

S.B. 374

S.B. 662

**In Memory****of****Judge Sarah Tilghman Hughes**

Senator Mauzy offered the following resolution:

**(Senate Resolution 343)**

WHEREAS, With the death of Judge Sarah Tilghman Hughes on April 23, 1985, at the age of 88, the State of Texas and indeed the entire nation lost a pillar of the Dallas community, Texas's first woman judge, an advocate of women's rights long before it became fashionable, the youngest woman ever elected to the Texas State Legislature when she joined that body, the first woman to receive the Democratic Vice-Presidential nomination, and the first and only woman to swear in a United States President; and

WHEREAS, Born Sarah Tilghman in Baltimore, Maryland, on August 2, 1896, this noble lady received her first taste of politics at the age of 16, when she attended the National Democratic Convention in 1912; in 1917, she was graduated from Goucher College in Baltimore with a Bachelor of Arts Degree in Biology; she taught school at Salem Academy and College in Winston-Salem, North Carolina, before receiving her law degree from George Washington University in Washington, D.C., in 1922; and

WHEREAS, This determined and brilliant scholar worked her way through law school as a policewoman for the Washington, D.C., Metropolitan Police Department and married a fellow law student, Mr. George E. Hughes, from Palestine, Texas, the same year they both received their law degrees; she and the late Mr. Hughes moved to Dallas, Texas, in 1922 where both practiced as attorneys; and

WHEREAS, A policewoman, a lawyer, and a wife, Mrs. Hughes left her mark as a campaigner, a popular speaker, a member of the Texas Legislature, a state court judge, a federal judge, and an active civic leader; and

WHEREAS, Judge Hughes ran for public office 12 times; three times for the state legislature, seven times for state judge, once for United States Congress, and once for the Texas Supreme Court; she was defeated only twice, in her bid for Congress and the state supreme court; as a Texas legislator from 1931 to 1935, this articulate feminist wrote a divorce law which was revolutionary in that either the mother or the father could be required to pay child support; in 1935, she was appointed by Governor James Allred to fill out a two-year interim as judge of the 14th District Court and was elected to seven consecutive terms; in 1950, President Harry S. Truman offered her a post on the Federal Trade Commission but she declined; she was nominated a vice-presidential candidate at the National Democratic Convention in 1952 but withdrew her name; and in 1961 she received a lifetime appointment as a United States District Judge for the Northern District of Texas at the age of 65; and

WHEREAS, On November 22, 1963, two years after her appointment to the federal bench by President John F. Kennedy in October of 1961, the entire American nation watched as she administered the oath of office to President Lyndon Baines Johnson onboard Air Force One, just before the presidential plane left Love Field in Dallas, Texas, to return to Washington, D.C., with the body of assassinated President John F. Kennedy; and

WHEREAS, Characterized as a no-nonsense person with little patience for rhetoric, her direct thinking permeated her entire 46-year career as what

she called "an activist judge"; an excellent judge with a keen dedication to carrying out the mandates of the Constitution, Judge Hughes was once credited by former State Legislator Gladden as giving "the federal judiciary new direction and jarring open the door for women jurists"; she handled over 1,000 cases including the famous Dallas trial of Billie Sol Estes, and her work in juvenile and marital cases became a legend in Dallas; a capable, conscientious, and courageous judge, she possessed a blend of discipline and compassion; her idea of justice carried with it human understanding with which she tried to rehabilitate the life of the individual; she inspired countless women to seek careers in law or seek elective office; concerned with penal reform, she ordered that conditions be improved in the dangerously overcrowded Dallas County Jail and received a standing ovation from the prisoners once while visiting; Judge Hughes was perhaps proudest of declaring Texas's abortion law unconstitutional, a ruling which the United States Supreme Court upheld in Roe vs. Wade; and

WHEREAS, Judge Hughes's work outside the judicial chambers was most noteworthy; she held memberships in Delta Gamma Sorority, the American Association of University Women, the United World Federalists, the National Organization for Women, and the Women's Equity Action League; she served as president of Zonta, president of the Business and Professional Women of Dallas, first vice-president of the International Federation of Business and Professional Women, and as honorary chairman for the local Women for Change; and

WHEREAS, Named the "Nation's Outstanding Jurist" by the Federal Bar Association, "All-Time Headliner" by the Press Club of Dallas, "Texas Woman of the Year," and "Most Valuable Member of the Legislature," Judge Hughes was cited by various other organizations for her superlative accomplishments and held honorary degrees from Southern Methodist University and Indiana State University as well as an honorary doctor of laws degree from Goucher College; and

WHEREAS, Few have given so diligently to improving the legal profession and supporting the equality of women and encouraging their participation in community affairs as has Judge Sarah Hughes; this esteemed jurist will remain a legend in the annals of Texas and American history; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, honor the life of Judge Sarah Tilghman Hughes by paying tribute to her unparalleled life of service to the welfare of the people of Texas and extend its deepest sympathy to the members of her family; and, be it further

RESOLVED, That official copies of this Resolution be prepared under the seal of the Senate of the State of Texas for the members of the family of Judge Sarah T. Hughes, and that when the Texas Senate adjourns this day, it do so in memory of Judge Sarah Tilghman Hughes.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Mauzy and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.